

HOUSE BILL 1787

By Daniel

AN ACT to amend Tennessee Code Annotated, Section 4-5-325, relative to the payment of costs in a contested case hearing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-5-325(a), is amended by deleting the language "the hearing officer or administrative law judge may order such agency to pay to the party issued a citation the amount of reasonable expenses incurred" and substituting instead the language "the hearing officer or administrative law judge shall order such agency to pay to the party issued a citation the amount of reasonable expenses incurred".

SECTION 2. Tennessee Code Annotated, Section 4-5-325, is further amended by adding the following as a new subsection:

(c)

(1) Any party who seeks judicial review of a final decision in a contested case hearing under § 4-5-322; who obtains a review of a final judgment of the chancery court by the court of appeals of Tennessee under § 4-5-323; and in accordance with any other appellate review, shall recover the amount of reasonable expenses incurred in such proceedings that result from the issuance of the citation by the agency, including a reasonable attorney's fee.

(2) Subdivision (c)(1) shall apply to petitions for review or appeal filed on or after the effective date of this act.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.